

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

BOBBY KELLY,  
Plaintiff,

v.

NORRIS JACKSON, et al.,  
Defendants.

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C.A. NO. C-07-234

**ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED *IN FORMA*  
*PAUPERIS* AND DISMISSING CAUSE**

The United States Magistrate Judge filed her Memorandum and Recommendation on June 7, 2007 (D.E. 5). After ample opportunity, neither party filed objections. When no timely objection is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's recommendation. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee's note (1983)).

Having reviewed the pleadings and motions on file, the Court finds no clear error in the Magistrate Judge's recommendation. The Court accepts the Magistrate Judge's recommendation.

The Court DENIES plaintiff's application to proceed *in forma pauperis* (D.E. 2). The Court also DISMISSES plaintiff's suit without prejudice. The Court permits plaintiff to

reinstate this suit if he pays the \$350.00 filing fee in conjunction with filing a motion to  
reinstate.

ORDERED this 24 day of Aug, 2007.

  
HAYDEN HEAD  
CHIEF JUDGE